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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,788	09/06/2003	Gordon D. Fong	GF001	6600

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EXAMINER

TWEEL JR, JOHN ALEXANDER

ART UNIT	PAPER NUMBER
2636	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/655,788

Applicant(s)

FONG ET AL.

Examiner

John A. Tweel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,8 and 10-20 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/6/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the at least one predefined distance" in line 6.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 8, 10-13, and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Wentworth** [U.S. 6,529,131].

For claim 1, the method of wirelessly tethering one or more devices to one another taught by **Wentworth** includes the following claimed steps, 1) the claimed providing wireless communication is achieved using the RF transceiver that communicates radio signals between the master unit and subordinate units, 2) the claimed determining if the one device and one other device has exceeded a predetermined distance is met by the GPS receiver (No. 96) that collects coordinate data and microprocessor (No. 104) that calculates the distance between units, and 3) the claimed providing informational instructions is achieved using the display screen (No. 66) on the subordinate unit that provides distance and direction data to the user.

For claim 2, the wireless communication between the master and subordinate units of **Wentworth** comprises providing at least one RF signal therebetween.

For claims 3 and 4, the master and subordinate units of **Wentworth** comprise bidirectional RF signals between the two units.

For claim 8, Figure 4 of **Wentworth** depicts a plurality of wireless devices in communication with one master unit.

For claim 10, the method of providing at least one wireless boundary about one or more locations taught by **Wentworth** includes the following claimed steps, as noted, 1) the claimed receiving at least one boundary signal is met by the RF transceivers located in both master and subordinate units that broadcast location and distance data to the subordinate unit, 2) the claimed determining if the device is within the boundary is achieved using the GPS receivers located in the subordinate units, and 3) the claimed

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outputting instructions is achieved using the display screen (No. 66) that facilitates movement of the device back to the master unit.

For claim 11, the signals used in **Wentworth** are radio waves.

For claim 12, the master unit of **Wentworth** regularly polls the subordinate units for location data. Also, during emergency operation, the master unit sends distance and direction data to the subordinate unit.

For claim 13, one signal received at the subordinate unit of **Wentworth** includes GPS data indicative of its location and the signal at the master units compares this location and distance data with predetermined thresholds.

For claim 15, the data of **Wentworth** is GPS data.

For claim 16, the wireless tethering system of **Wentworth** includes the following claimed subject matter, as noted, 1) the claimed wireless tether device is met by the subordinate unit (No. 62) that receives and processes wireless tether signals, and 2) the claimed data processor is met by the microprocessor (No. 104) that provides predefined instructional information to the user when the unit exceeds at least one predetermined distance threshold from at least one predetermined location.

For claim 17, the receivers of **Wentworth** receive a plurality of wireless signals.

For claim 18, the master unit of **Wentworth** compares the timing of return signals to calculate the distance from a plurality of subordinate units.

For claim 19, the microprocessors of **Wentworth** process data from the signals, determine if the tether has exceeded a distance threshold and outputs instruction data to the user.

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For claim 20, the instructions of **Wentworth** are directional and position instructions.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wentworth** in view of **Narcisse** [U.S. 4,593,273].

For claim 14, the method taught by **Wentworth** above includes the claimed subject matter as discussed in the rejection of claim 12 above. However, there is no mention of the data comprising signal strength, phase shift, frequency shift, and combinations thereof.

All three conditions have been used to detect out of range signals in the past. The out-of-range personnel monitor and alarm taught by **Narcisse** uses signal strength to determine an out-of-range condition. This reference is plain evidence that signal strength has been used in personnel monitoring for some time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include signal strength as part of the data for the purpose of using a well known and common data type.

7. Claims 5-7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Each objected dependent claim presents some type of particular subject matter not found in an easy combination in the prior art, such as determining if the predefined distance has been exceeded by dynamically switching between a plurality of communication modes to reestablish communication between the two devices, and the plurality of wireless devices comprising a group of wireless devices that interact such that the group of wireless devices has a wireless tether therebetween and another wireless tether between the group of devices and another device not part of the group of devices.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cox [U.S. 4,598,272] enables a person to monitor the whereabouts of another person.

Friedman [U.S. 5,337,041] allows a guardian to transmit an alarm signal from a hand-held unit.

Schepps et al [U.S. 6,075,443] warns if a tethered article moves away from a tethering location.

Lastinger et al [U.S. 6,552,661] determines whether a first identification device is located within a zone.

Edwards et al [U.S. 6,714,132] uses a wireless tether to detect the presence of an object.

Crabtree et al [U.S. 6,788,199] locates objects such as people, pets, and articles.

Maloney [U.S. 6,888,464] detects if a person is outside of a predetermine radius.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT
6/11/05



JOHNTWEEL
PRIMARY EXAMINER